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OFFICE OF PETITIONS

on June 16, 2005
Date

William H. Dippert

William H. Dippert
Registration No. 26,723

Wolf, Block, Schorr & Solis-Cohen LLP
250 Park Avenue
10th Floor
New York, New York 10177-0030
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wdippert@wolfblock.com

TO: Commissioner For Patents

Fax No.: (703) 872-9306

FROM: William H. Dippert

RE: Petition To Revive

Number of pages including cover sheet: 16

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Applicant: Daniel Sherwin

Serial No: 10/766,499

Filing Date: January 27, 2004

For: Lens Protection Mechanism

Attachments: (1) Petition To Revive (2 pages); (2) Copy of Notice of Abandonment (2 pages); (3) Copy of stamped Acknowledgement postcard (1 page); (4) Copy of stamped Express Mail airbill (1 page); (5) Copy of Response To Office Action as filed including: (a) Express Mail Certificate (1 page); (b) Transmittal Letter (in duplicate); (c) Petition For Extension of Time (in duplicate); (d) Terminal Disclaimer (1 page); (e) Response To Office Action (2 pages); (f) Request To Rescind Request To Withdraw As Agent (1 page);

This collection of information is required by 37 CFR 1.8. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.8 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Attorney Docket No.: FEN021.228166 (206/03834)
Customer No.: 054042

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel Sherwin : Confirmation No.: 3489
Serial No.: 10/766,499 : Examiner: C.E. Mahoney
Filing Date: January 27, 2004 : Art Unit: 2851
For: **Lens Protection Mechanism**

June 16, 2005

Via Facsimile: 703-872-9306
Mail Stop: Petitions
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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OFFICE OF PETITIONS

PETITION TO REVIVE

SIR:

Applicant hereby petitions to rescind a Notice of Abandonment and revive the above application, which was inadvertently deemed abandoned.

In response to an Office action dated December 2, 2004, Applicants filed responsive papers comprising a Response, a Terminal Disclaimer, a Petition for Extension of Time, and a Request to Rescind Request to Withdraw as Agent. Said papers, copies of which are enclosed, were mailed to the USPTO by Express Mail on June 1, 2005. Copies of the Express Mail receipt and the postcard receipt are also enclosed.

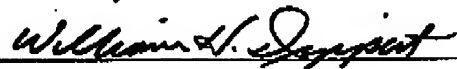
Attorney Docket No.: FEN021.228166 (206/03834)

Customer No.: 054042

A Notice of Abandonment dated June 10, 2005 indicates that no response to the Office Action was received. However, since responsive papers were timely filed, the Notice should be withdrawn and the application should be revived.

Respectfully submitted,

June 16, 2005


William H. Dippert
Registration No. 26,723

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250 Park Avenue
10th Floor
New York, New York 10177
Telephone: 212.986.1116
Facsimile: 212.985.0604
e-Mail: wdippert@wolfblock.com



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,499	01/27/2004	Daniel Sherwin	206/03834	3489

44909 7590 06/10/2005

WOLF, BLOCK, SCHORR & SOLIS-COHEN LLP
250 PARK AVENUE
NEW YORK, NY 10177

EXAMINER

MAHONEY, CHRISTOPHER E

ART UNIT

PAPER NUMBER

2851

DATE MAILED: 06/10/2005



Please find below and/or attached an Office communication concerning this application or proceeding.

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OFFICE OF PETITIONS

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WBS&SC

Called 6/15/05



Notice of Abandonment

Application No.	Applicant(s)	
10/766,499	SHERWIN, DANIEL	
Examiner	Art Unit	
Christopher E. Mahoney	2851	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence.

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This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 02 December 2004.
(a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
(b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
(c) ☐ A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
(d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
(a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
(b) ☐ The submitted fee of \$ _____ is insufficient. A balance of \$ _____ is due.
The issue fee required by 37 CFR 1.18 is \$ _____. The publication fee, if required by 37 CFR 1.18(d), is \$ _____.
(c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
(a) ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
(b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Christopher E. Mahoney
Primary Examiner
Art Unit 2851

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.18f, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 13

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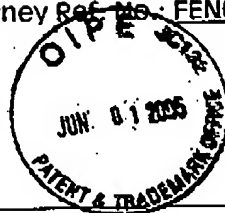
OFFICE OF PETITIONS

Express Mail EV 042319458 US
Customer No.: 44909

June 1, 2005

Attorney Ref. No. FEN021-2288166

Mail Stop: **AMENDMENT**
Commissioner For Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Applicant: Daniel Sherwin
Serial No: 10/766,499
Filing Date: January 27, 2004
For: Lens Protection Mechanism

Please have the Mail Division stamp in the space provided and return this card as acknowledgement of receipt of the following: (1) Express Mail Certificate; (2) Transmittal Letter (in duplicate); (3) Petition For Extension of Time (in duplicate); (4) Terminal Disclaimer (1 page); (5) Response To Office Action (2 pages); (6) Request To Rescind Request To Withdraw As Agent (1 page); (7) Acknowledgement postcard

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Date 6-15-2005
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Certificate of Express Mail Under 37 CFR 1.10

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on June 1, 2005
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Geraldine Gress

Wolf, Block, Shorr and Solis-Cohen LLP
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New York, New York 10177-0030
Telephone: 212.986.1116; Facsimile: 212.985.0604

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Applicant: Daniel Sherwin
Serial No: 10/766,499
Filing Date: January 27, 2004
For: Lens Protection Mechanism
Enclosures: (1) Transmittal Letter (in duplicate); (2) Petition For Extension of Time (in duplicate);
(3) Terminal Disclaimer (1 page); (4) Response To Office Action (2 pages);
(5) Request To Rescind Request To Withdraw As Agent (1 page); (6) Acknowledgement postcard

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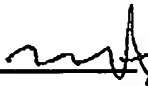


JUN 16 '05 11:08 FR WOLF BLOCK ET AL

212 986 0604 TO 6032#102030#1703 P.09/16

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TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 20603834	
In Re Application Of: Daniel SHERWIN					
Application No. 10/766,499	Filing Date January 27, 2004	Examiner MAHONEY, C. E.	Customer No. 44909	Group Art Unit 2851	Confirmation No. 3489
Title: LENS PROTECTION MECHANISM					
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COMMISSIONER FOR PATENTS: OFFICE OF PETITIONS					
Transmitted herewith is: Response to Office Action dated December 2, 2004 including: 1. Petition for 3 months extension of time (including fee for extension of time) 2. Terminal Disclaimer to Obviate a Double Patenting Rejection Over Prior Patent 6,731,867 (including fee for disclaimer, see below) 3. Request to Rescind Request to Withdraw as Agents In the above identified application. <input type="checkbox"/> No additional fee is required. <input type="checkbox"/> A check in the amount of _____ is attached. <input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below. <input checked="" type="checkbox"/> Charge the amount of \$65.00 <input checked="" type="checkbox"/> Credit any overpayment. <input checked="" type="checkbox"/> Charge any additional fee required. <input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038. <div style="display: flex; justify-content: space-between;"><div> _____ Signature</div><div>Dated: May 31, 2005</div></div> Maier Fenster, Reg. No. 41,016 William H. Dippert, Esq. Wolf, Block, Schorr & Solis-Cohen LLP 250 Park Avenue New York, New York 10177 Tel: (212) 986 1116 cc: <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" (37 CFR 1.8(a)) on</p><p>_____ (Date)</p><p>_____ Signature of Person Mailing Correspondence</p><p>_____ Typed or Printed Name of Person Mailing Correspondence</p></div>					

P18AR3V03



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212 986 0604 TO 6032#102030#1703 P.10/16

TRANSMITTAL LETTER (General - Patent Pending)				Docket No. 206/03834	
In Re Application Of: Daniel SHERWIN					
Application No. 10/766,499	Filing Date January 27, 2004	Examiner MAHONEY, C. E.	Customer No. 44909	Group Art Unit 2851	Confirmation No. 3489
Title: LENS PROTECTION MECHANISM			<div>RECEIVED</div> <div>JUN 24 2005</div>		
<div>COMMISSIONER FOR PATENTS: OFFICE OF PETITIONS</div> <p>Transmitted herewith is:</p> <p>Response to Office Action dated December 2, 2004 including:</p> <ol style="list-style-type: none">1. Petition for 3 months extension of time (including fee for extension of time)2. Terminal Disclaimer to Obviate a Double Patenting Rejection Over Prior Patent 6,731,867 (including fee for disclaimer, see below)3. Request to Rescind Request to Withdraw, as Agents <p>In the above identified application.</p> <p><input type="checkbox"/> No additional fee is required.</p> <p><input type="checkbox"/> A check in the amount of _____ is attached.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. 03-3419 as described below.</p> <p><input checked="" type="checkbox"/> Charge the amount of \$65.00</p> <p><input checked="" type="checkbox"/> Credit any overpayment.</p> <p><input checked="" type="checkbox"/> Charge any additional fee required.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <div> _____ Signature</div> <p>Dated: May 31, 2005</p> <p>Maier Fenster, Reg. No. 61,016</p> <p>William H. Dippert, Esq. Wolf, Block, Schorr & Solis-Cohen LLP 250 Park Avenue New York, New York 10177 Tel: (212) 986 1116</p> <div><p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 (37 CFR 1.8(a)) on</p><p>(Date) _____</p><p>Signature of Person Mailing Correspondence _____</p><p>Typed or Printed Name of Person Mailing Correspondence _____</p></div> <p>cc:</p>					

P14AUREV10



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212 986 0604 TO 6032410203041703 P.11/16

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)
(Small Entity)Docket No.
206/03834

In Re Application Of: Daniel SHERWIN

Application No.
10/766,499Filing Date
January 27, 2004Examiner
MAHONEY, C. E.Customer No.
44909

Group Art Unit

Confirmation No.
3489

Invention: LENS PROTECTION MECHANISM

JUN 24 2005

OFFICE OF PETITIONS

COMMISSIONER FOR PATENTS:

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of December 2, 2004 in the above-identified application.

Date

The requested extension is as follows (check time period desired):

☐ One month ☐ Two months ☒ Three months ☐ Four months ☐ Five months

from: March 2, 2005

Date

until: June 2, 2005


Date

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is \$510 and is to be paid as follows:

- ☐ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 03-3419
☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 03-3419
☐ Payment by credit card. Form PTO-2038 is attached.

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Signature

Dated: May 31, 2005

Maier FENSTER, Reg. No. 41,016

William H. Dippert, Esq.
Wolf, Block, Schorr & Solis-Cohen LLP
250 Park Avenue
New York, New York 10177.
Tel: (212) 986 1116

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(Date)

Signature of Person Mailing Correspondence

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P123MALL/REV03

cc:

PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) (Small Entity)				Docket No. 206/03834	
In Re Application Of: Daniel SHERWIN					
Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/766,499	January 27, 2004	MAHONEY, C. E.	44909	2851	3489
Invention: LENS PROTECTION MECHANISM					

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COMMISSIONER FOR PATENTS:

OFFICE OF PETITIONS

This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a response to the Office Action of December 2, 2004 in the above-identified application.
Date

The requested extension is as follows (check time period desired):

☐ One month
 ☐ Two months
 ☒ Three months
 ☐ Four months
 ☐ Five months

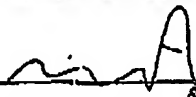
from: March 2, 2005 until: June 2, 2005
Date *Date*

☒ Applicant claims small entity status. See 37 CFR 1.27

The fee for the extension of time is \$510 and is to be paid as follows:

☐ A check in the amount of the fee is enclosed.
☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 03-3419
☒ If an additional extension of time is required, please consider this a petition therefor and charge any additional fees which may be required to Deposit Account No. 03-3419
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Signature

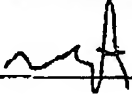
Dated: May 31, 2005

Maier FENSTER, Reg. No. 41,016

William H. Dippert, Esq.
 Wolf, Block, Schorr & Solis-Cohen LLP
 250 Park Avenue
 New York, New York 10177.
 Tel: (212) 986 1116

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(Date)
Signature of Person Mailing Correspondence
Typed or Printed Name of Person Mailing Correspondence



Terminal Disclaimer To Obviate A Double Patenting Rejection Over A Prior Patent				Docket No. 206/03834	
In Re Application Of: Daniel SHERWIN					
Application No. 10/766,499	Filing Date January 27, 2004	Examiner MAXONEY, C. E.	Customer No. 44909	Group Art Unit 2851	Confirmation No. 3489
Invention: LENS PROTECTION MECHANISM					
RECEIVED JUN 24 2005 OFFICE OF PETITIONS					
COMMISSIONER FOR PATENTS:					
<p>The above-identified owner of record of a 100.00 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,731,867. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and/or assigns.</p> <p>In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.</p> <p>Check either box 1 or 2 below, if appropriate.</p> <p>1. <input type="checkbox"/> For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.</p> <p>I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.</p> <p>2. <input checked="" type="checkbox"/> The undersigned is an attorney of record.</p> <p> _____ Signature</p> <p>Dated: May 31, 2005</p> <p>_____ Peter FENSTER, Registration No. 41,016 Typed or Printed Name</p> <p><input checked="" type="checkbox"/> Terminal disclaimer fee under 37 C.F.R. 1.20(d) included. <input checked="" type="checkbox"/> PTO suggested wording for terminal disclaimer was unchanged. <input type="checkbox"/> Certification under 37 C.F.R. 3.73(b) is required if terminal disclaimer is signed by the assignee.</p>					

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206/03834 A01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel SHERWIN
Serial Number: 10/766,499
Filed: January 27, 2004
For: LENS PROTECTION MECHANISM
Art Unit: 2851
Examiner: MAHONEY, C. E.

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JUN 24 2005

Mail Stop Amendment
Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

OFFICE OF PETITIONS

RESPONSE TO OFFICE ACTION

Sir:

This letter is in response to an Office Action dated December 2, 2004, in the above referenced application. The present application includes claims 1-16.

Claims 1-16 stand rejected under the judicial created doctrine of obviousness-type double patenting, as being unpatentable over claims 1-16 of U.S. patent 6,731,867. Although applicant disagrees with this rejection, applicant is filing herewith a terminal disclaimer which overcomes the rejection.

Claims 1, 2 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Tsui (US patent 5,050,975). Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* rejection, since the Examiner has not shown at least one limitation of claim 1.

Claim 1 requires at least one counter rotating object whose rotation substantially cancels out angular momentum caused by the rotation of the disc. As is known in the art, angular momentum is the product of the linear momentum and the radius from an origin point. The linear momentum of an object is defined as the product of the velocity and the mass of the object. Exemplary methods of canceling angular momentum are described in the present application on page 6, lines 26-33. In order for supporting wheels 32 of Tsui to have an angular momentum which cancels the angular momentum of transparent glass 35, given the sizes of wheels 32 and glass 35 seen in Fig. 1 of Tsui, the mass of the support wheels 32 needs to be much greater than

206/03834 A01

the mass of glass 35. This is not taught or suggested by Tsui, and cannot be achieved by accident, as the expected mass of wheels 32 from Fig. 1 is much lower than required to achieve cancellation of the angular momentum.

Claims 1, 3 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by MacPherson (US patent 2,298,063). Applicant respectfully traverses the rejection and states that the Examiner has not established a *prima facie* rejection, since the Examiner has not shown at least one limitation of claim 1.

Claim 1 requires at least one counter rotating object whose rotation substantially cancels out angular momentum caused by the rotation of the disc. MacPherson does not teach or suggest adjusting the mass and/or locations of the gears and pinions (14, 26, 32) of his device in order to cancel the angular momentum of the moisture removing disk 1. Achievement of the cancellation of the angular momentum by accident is very unlikely, given the number of gears and pinions which rotate in opposite directions.

The dependent claims are allowable at least by virtue of being dependent on independent claim 1, which as discussed above is considered allowable.

In view of the above remarks, applicants submit that the claims are patentable over the prior art. Allowance of the application is respectfully awaited. If, however, the Examiner is not convinced and the Examiner is of the opinion that a telephone conversation may forward the present application toward allowance, applicants respectfully request that the Examiner call the undersigned at 1 (877) 428-5468. Please note that this is a direct *toll free* number in the US that is answered in the undersigned's Israel office. Israel is 7 hours ahead of Washington.

Respectfully submitted,
Daniel Sharwin


Maier Fenster
Reg. No. 41,016

May 31, 2005
William H. Dippert, Esq.
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Daniel SHERWIN
Serial Number: 10/766,499
5 Filed: January 27, 2004
For: LENS PROTECTION MECHANISM
Art Unit: 2851
Examiner: MAHONEY, C. E.

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JUN 24 2005

OFFICE OF PETITIONS

10 REQUEST TO RESCIND REQUEST TO WITHDRAW AS AGENT

Sir:

The agents of record in the present application have filed a Request for Withdrawal as Attorney or Agent on May 4, 2005.


15 The relationship with the assignee was recently reestablished and therefore the Request to Withdraw as Agents is hereby rescinded and the correspondence address should be that associated with Customer Number 44909, as follows:

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20

Respectfully submitted,
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